TEXAS DEPARTMENT OF INSURANCE
Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645
(512) 804-4000 | F: (512) 804-4811 | (800) 252-7031 | TDI.texas.gov | @TexasTDI

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
Texas Orthopedic Hospital

Respondent Name
Ace American Insurance Co

MFDR Tracking Number
M4-16-3626-01

Carrier's Austin Representative
Box Number 15

MFDR Date Received
August 8, 2016

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "…the hospital would have been entitled to $15,049.62 in reimbursement. The Carrier only paid $8,677.63. Therefore, the Hospital contends an additional $6,371.99 remains owed."

Amount in Dispute: $6,371.99

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The charges submitted by Texas Orthopedic Hospital for dates of service October 19, 2015 through October 21, 2015 were processed according to the Division of Workers' Compensation Medical Fee Guidelines. DWC rules require reimbursement at 200% of the Medicare payment calculated under OPPS reimbursement."

Response Submitted by: Liberty Mutual Insurance

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
October 19 – 21, 2015	Outpatient Hospital Services	$6,371.99	$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.403 sets out the reimbursement guidelines for services provided in outpatient hospital services.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
   - X936 – CPT or HCPC is required to determine if services are payable

- 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly
- W3 – Additional payment made on appeal/reconsideration
- U634 –Procedure code not separately payable under Medicare and or fee schedule guidelines
- Z652 – Recommendation of payment has been based on a procedure which best describes services rendered
- MX70 – PER NCCI, the procedure code is denied due to misuse of column 2 code with column 1 code. Procedure included in 29806
- MX80 – Per NCCI, the procedure code is denied, based on standard of medical, surgical practice. Procedure included in 29806
- MSIN – This is a packaged item. Services or procedures included in the APC rate, but not paid separately
- Z710 – The charge for this procedure exceeds the fee schedule allowance
- 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly
- MOPS – Services reduced to the outpatient perspective payment system (OPPS)
- B13 – Previously paid. Payment for this claim/service may have been provided in a previous payment

The services in dispute are for outpatient hospital services and are therefore subject to the requirements of 28 Texas Administrative Code 134.403 (d) which states in pertinent part, "For coding, billing, reporting, and reimbursement of health care covered in this section, Texas workers' compensation system participants shall apply Medicare payment policies in effect on the date a service is provided..." The applicable Medicare payment policy may be found at www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS.

In order to calculate the correct Division fee guideline, stakeholders should be familiar with the main components in the calculation of the Medicare payment for OPPS services which are:

1. **How Payment Rates Are Set**, found at www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/HospitalOutpaysysfctsht.pdf,
   To account for geographic differences in input prices, the labor portion of the national unadjusted payment rate (60 percent) is further adjusted by the hospital wage index for the area where payment is being made. The remaining 40 percent is not adjusted.
2. **Payment status indicator** - The status indicator identifies whether the service described by the HCPCS code is paid under the OPPS and if so, whether payment is made separately or packaged. The status indicator may also provide additional information about how the code is paid under the OPPS or under another payment system or fee schedule. The relevant status indicator may be found at the following: www.cms.gov, Hospital Outpatient Prospective Payment – Final Rule, OPPS Addenda, Addendum D1.
3. **APC payment groups** - Each HCPCS code for which separate payment is made under the OPPS is assigned to an ambulatory payment classification (APC) group. The payment rate and coinsurance amount calculated for an APC apply to all of the services assigned to the APC. A hospital may receive a number of APC payments for the services furnished to a patient on a single day; however, multiple surgical procedures furnished on the same day are subject to discounting. The relevant payment amount for each APC may be found at: www.cms.gov, Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/Annual-Policy-Files, Addendum B. These files are updated quarterly.

Issues

1. What is the applicable fee pertaining to reimbursement?
2. Is the requestor entitled to additional reimbursement?

Findings

1. 28 Texas Administrative Code §134.403 (f) states in pertinent part,

   The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently

adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register. The following minimal modifications shall be applied.

(1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:

(A) 200 percent;

The remaining services in dispute are reimbursed based on the following:

Submitted code	Status Indicator	APC	Payment Rate	Unadjusted labor amount = APC payment x 60%	Geographically adjusted labor amount = unadjusted labor amount x annual wage index	Non labor portion = APC payment rate x 40%	Medicare facility specific reimbursement (geographically adjusted labor) amount + non labor portion)	Maximum Allowable Reimbursement
29806	T	0042	$4,345.55	$4,345.55 x 60% = $2,607.33	$2,607.33 x 0.9679 = $2,523.63	$4,345.55 x 40% = $1,738.22	$2,523.63 + $1,738.22 = $4,261.85	$4,261,85 x 200% = $8,523.70
93005	Q1	0099	$78.47	$78.47 x 60% = $47.08	$47.08 x 0.9679 = $45.57	$78.47 x 40% = $31.39	$45.57 + $31.39 = $76.96	$76.96 x 200% = 153.92
							Total	$8,677.62

The remaining services are reviewed as follows:

- Procedure code J1885 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J2704 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code C1713 has status indicator N denoting packaged items and services with no separate APC payment.
- Per Medicare National Correct Coding Initiative policy, procedure code 29807 may not be reported with procedure code 29806 billed on the same claim. Payment for this service is included in the payment for the primary procedure. Separate payment is not recommended.
- Per Medicare National Correct Coding policy, procedure code 29822 may not be reported with procedure code 29806 billed on the same claim. Payment for this service is included in the payment for the primary procedure. Separate payment is not recommended.
- Procedure code C9113 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J0690 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J0735 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J1100 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J2250 has status indicator N denoting packaged items and services with no separate APC payment.

- Procedure code J2405 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J2795 has status indicator N denoting packaged items and services with no separate APC payment.
- Procedure code J3010 has status indicator N denoting packaged items and services with no separate APC payment.

2. The maximum allowable reimbursement for the eligible service is $8,677.62. The carrier paid $8,677.63. No additional payment is due.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is $0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to $0.00 additional reimbursement for the services in dispute.

Authorized Signature

		August 31, 2016
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.